

Magna Carta 1215
English Bill of Rights 1628

England

John Locke (English)

(State of Nature,
Social Contract,
**Natural Rights
-Life
-Liberty
-Property

**Declaration of
Independence 1776**

13 American Colonies

Revolutionary War

Articles of Confederation

Written 1779

In effect 1781-1789

United States of America

Constitution

1787-now

United States of America

Bill of Rights

First 10 Amendments

1789- now!

United States of America

Different Types of government

1A.) A unitary is when the central government controls BOTH!! the state and local governments.

B.) The UK (Prime Minister- rules over parliament), France and Sweden are all examples of unitary govs

C.) As a result, the Central government has MORE power than the State and Local govs.

2A.) Some nations have a **confederation** type of government.

B) In a *confederation* the **states** are **independent** and have ALL the **power**, they control **EVERYTHING** that effects their citizens and territory.

C) The central government ONLY deals with matters of common concern, and the states can withdraw from the confederation at anytime they see fit.

D) Sweden is a modern example of a *confederation* and under the

**** *Articles of Confederation***

the United states had a

confederation type of

gov

3) BEFORE the **founders/ framers*
created the **constitution**
MOST countries had either a
unitary or
confederation type
of government- we were trailblazers!

4. With the **Constitution**
the **founders/ framers* created
a **federal government*.

What is a federal system of government?

1. The Constitution organized government in a brand new way!
2. The Constitution starts with the words. “ We the People of the United States of America ”
- the people created the government by consent
3. The people remain sovereign at all times.

4. Sovereign means to have the HIGHEST rank of **authority/ power** -
in the US the people are sovereign.

5. In a **Federal System** of
government, the **people** decide how to
***delegate** their **power**.

NOTE: There is a *delegate(N)*=a person chosen
to ***represent** the people AND
delegate(V)= trust to assign power

6. When creating the ***Constitution** the ***founders/ framers** decided to ***delegate** the **power** of the people to MORE than **1** government.

7. They ***delegated** some power to the **state gov** and some to the **national gov**

8. A ***Federal System** of

government may also be described as a government based of ***federalism**

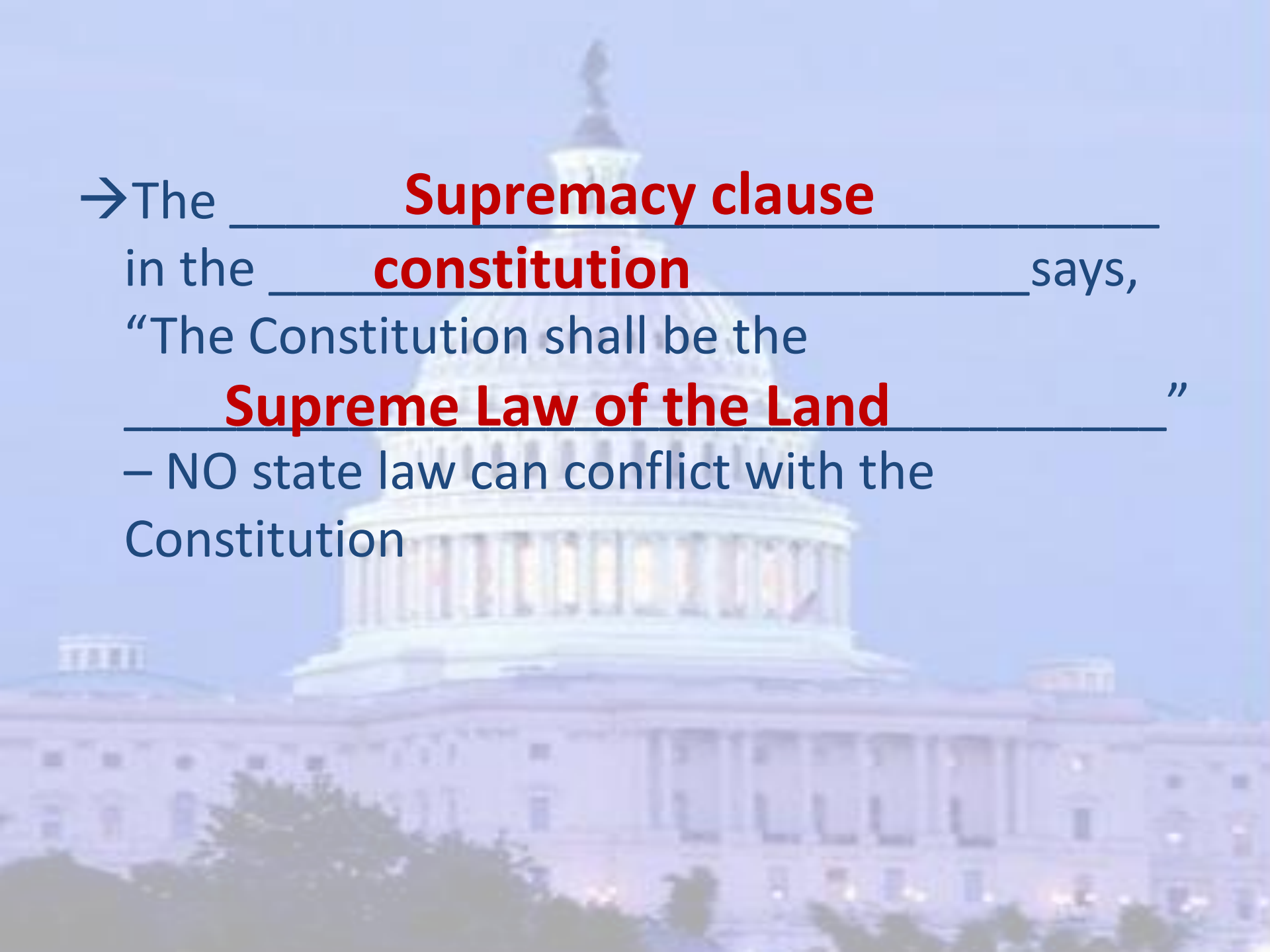
9. **Federalism** refers to the practice of **dividing** and **sharing** powers of government between a

central gov and

Local/ regional gov - such

as **state** govs

<u>STATE GOV</u>	<u>SHARED</u>	<u>NATIONAL GOV</u>
→ Tax exports or Imports → Schools → Borrow money → Divorce/ marriage	→ Tax → Laws	→ declare war! → CURRENCY → Trade → Post office
→ NO MONEY → NO WAR		→ NO NOBILITY → TAX EXPORTS



→ The Supremacy clause
in the constitution says,
“The Constitution shall be the
Supreme Law of the Land”
– NO state law can conflict with the
Constitution

Judicial review

1. Congress set up the **Judicial branch** of government under Article III of the **Constitution**
2. **Article III** provided for a **US Supreme Court** and said that **congress** could establish lower **state courts**.
3. In 1789, **congress** passed a law that organized the court system for the US → this is called the **Judiciary Act of 1789**.

- 4. **Constitution**
states that the US Supreme Court was to have **1 Chief Justices** and **5 associate justices**. ***OVERTIME this increased to **9 justices**.
- 5. **Judicial Review**
is the POWER of the courts to decide whether **laws and actions** are NOT allowed under the **Constitution**.
← **CHECKS** on the other 2 branches!!

6A.) A law that is ruled

***UNCONSTITUTIONAL** is

***null and void** and may

NOT be enforced.

B) It's **NOT!!** a **law** at all!

HOW DOES JUDICIAL REVIEW APPLY TO LAWS PASSED BY STATE GOVERNMENTS?

1. The ***framers** wanted to be sure that the **states** obeyed the **laws** of the **federal government**
2. So, in **Article VI** of the **constitution** they said that the **constitution**, **federal laws**, and **treaties** are SUPREME law of the land.

- **STOP AND THINK** → What is this called and why is it important?

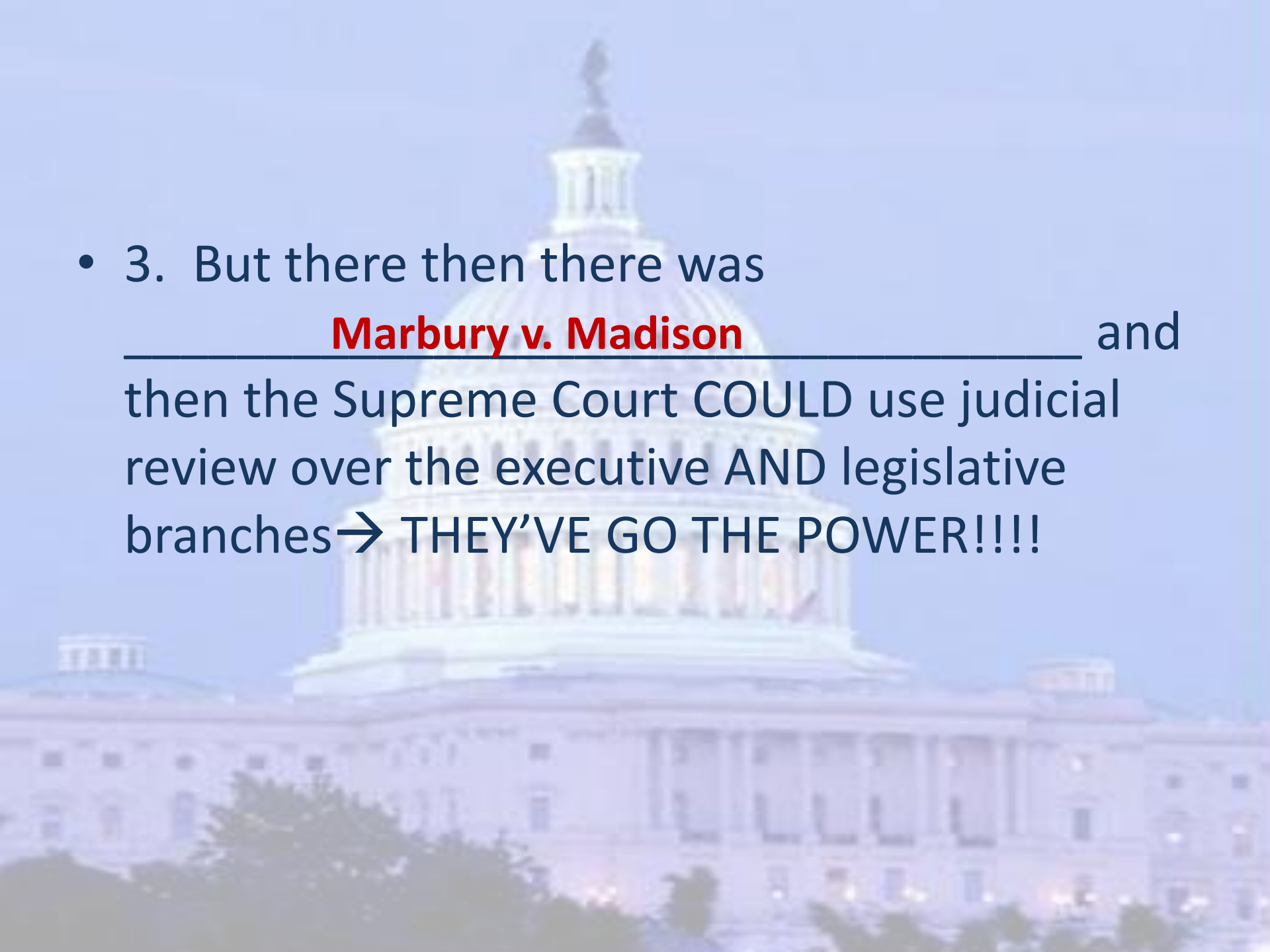


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- 3. If a state's law conflicts with those of the federal government the court can rule that the STATE law NOT be enforced.

- 4A.) The first time the court used judicial review was in 1796.
- B) After the Revolutionary War the US signed a treaty → federal with England
- C) As part of this treaty, America agreed to pay all fines owed.
- D) But... Virginia passed a law that said it wasn't going to pay Britain back!
- ** Because this law violated the FEDERAL!! treaty, the court used judicial review to overrule the law

DOES THE US SUPREME COURT HAVE THE POWER OF JUDICIAL REVIEW OVER ACTS OF THE FEDERAL GOVERNMENT?

1. The **Framers* clearly mean for the **US Supreme Court** to have the POWER of **Judicial review** over the acts of **state govs**.
2. The **constitution** does NOT state the **US Supreme Court** has the POWER of **judicial review** over the **Legislative and Executive** branches of government.

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- 3. But there then there was Marbury v. Madison and then the Supreme Court COULD use judicial review over the executive AND legislative branches → THEY'VE GOT THE POWER!!!!

Marbury v. Madison

- The [Constitution](#) says that the United States shall have a [Supreme Court](#), but the rest of the details are rather fuzzy. In other words, nowhere in the Constitution does it specifically say whether the Supreme Court can declare a law unconstitutional. For that power, we have to turn to one of the giants of American history--[John Marshall](#). Marshall was not the first Chief Justice of the United States. (That was [John Jay](#).) Marshall was, the first very influential Chief Justice. His decisions, beginning with *Marbury v. Madison*, set the tone and much of the legal precedent that is still being followed by Supreme Court justices today. In very simple terms, *Marbury v. Madison*, is important because it was the first time a law of Congress was ever declared unconstitutional, or in conflict with the Constitution. If the Constitution is the law of the land and something is conflict with that law of the land, then that something is illegal → THIS CHANGED THE FACE OF JUDICIAL REVIEW, and the POWER OF THE SUPREME COURT!!!!

- What happened in the case of Marbury v. Madison?

It gave the Supreme Court the right to use JUDICIAL REVIEW over the executive and legislative branches

- Who were the key players? (people)

Marbury, James Madison, John Marshall, Judicial Review, Supreme Court, CONSTITUTION!!

- What is *opinion of the Court*? How was ***judicial review*** used?

It was used to CHECK THE POWERS of the executive and legislative branch → FEDERAL LAWS in check

WHY IS IT DIFFICULT TO UNDERSTAND THE MEANING OF SOME PARTS OF THE CONSTITUTION?

1. When deciding Constitutional cases, the justices of the US Supreme Court have to interpret - decide what the words REALLY mean, in the Constitution.

- **The Plain Meaning Of The Words In The Constitution**

- What the founders literally meant in their WORDS

- Problem= what DID the framers mean exactly:
disagreement on words ex. The constitution gives Congress the right to make an army and navy...Air force?

- **The Intention of The Framers** **Most Loyal to Const.*

- This method is based on the idea that the Constitution by itself DOESN'T always have an OBVIOUS (clear) meaning

- So... we have to look at what the framers MEANT

- Problem= What about issues that exist now that didn't exist then (aka nuclear warfare)



- **Constitution Is Based On Fundamental Principles of Government**

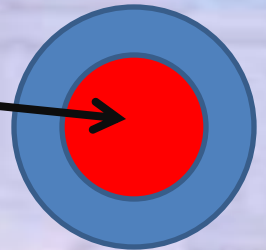
- This method= natural rights philosophy, constitutionalism (study of constitution,) and republican gov
- This principal say justices make decisions based on these ideas
- Problem= What about things not included in those ideas?

- **Today's Social Values and Needs**

- This method says the justices use today's social values when interpreting the Cosnt.
- Argue that Justices should not hold back social progress by only using a 300 year old doc
- Problem= Does this give justices too much freedom? Not what framer's intended

Political parties (Pages 172- 173)

1. When George Washington *ran* for president he won every ***electoral vote** - partly because of the respect people had for him, and partly because there were **NO** other **candidates** to run against him.
2. The ***Framers** were opposed to the idea of **political parties** which are groups of people that have **SIMILAR** views about governments that **Join** **TOGETHER**.
3. The Framers view **political parties** as **FACTIONS** - which we've learned are a **dissatisfied → grumpy** group that forms within a **Larger** group.



4A.) The ***FRAMERS** feared that the
BIGGEST **And strongest faction =PP**
would take **CONTROL** of the gov

B.) If that happened, then the
government would
not **EQUALLY** protect
people's rights 😞

5. When Washington took office there was **A LOT!** to take care of, and different people had different ideas of what would work- this is how the ORIGINAL **political parties** were formed.

6. The first two parties were the **Federalist Party** (who supported **Alexander Hamilton's** view of a **large** * **Central gov**), and the **Republicans** (who supported **Thomas Jefferson's** view of a **SMALL** central gov./ _____) ← NOT

THE POLITICAL PARTIES OF TODAY!!

Hamilton= Implied Powers
(not written, but we can
assume) of Constitution

Jefferson= ENUMERATED
Powers of Con. → only
what's EXPLICITLY written

- **7. *Political Parties*** have drastically changed overtime and today are known as the **Democrats** & **Republicans**

